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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,216

07/28/2003

Maurizio Fiorini

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5465

7590

08/01/2005

R. Neil Sudol
714 Colorado Avenue
Bridgeport, CT 06605-1601

EXAMINER

KOHNER, MATTHEW J

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,216	Applicant(s) FIORINI	
	Examiner Matthew J. Kohner	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “binary layout” is indefinite. It is unclear to what Applicant is referring by the term “binary layout.”

The claims are examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,260,710 to Deillon et al.

Deillon discloses a plan sifter (Col. 1, line 4) for separating products resulting from milling cereals, comprising a plurality of vertically arranged compartments (4, see also Fig. 1), a plurality of sieves (9) stacked inside each said compartment, a member having rotating masses

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(19) in order to keep said plurality of compartments and thus said plurality of sieves vibrating, and flexible suspension members (18) to allow vibration, wherein said plurality of compartments have a binary layout forming compartments symmetrical and aligned with respect to said centrally placed rotating mass member (col. 3, lines 7 et seq.; see also Fig. 1); said binary layout being chosen between four symmetrical pairs of compartments and six symmetrical pairs of compartments (col. 3, lines 7 et seq.; see also Fig. 1).

In regard to claim 2, see Fig. 1.

In regard to claim 3, see Fig. 1 which discloses a drive unit (19) within a rectangular frame wherein the long side of the frame is parallel to the long side of the rectangles of the pairs.

In regard to 4, see Fig. 1 which discloses a central frame (Deillon discloses the rectangular frame which holds drive unit (19) is laterally inserted into plan sifter and is therefore connected to the double compartments [col. 2, line 67- col. 3, line 3]. In other words, the double compartment in the middle is the central frame since it holds the drive unit.), a mechanical connection means for connecting two pairs of central compartments to said central frame (col. 3, line 12, wherein Deillon discloses the double compartments are laterally connected to one another, therefore the double compartments are laterally connected to the central double compartment [i.e. central frame]) and optionally as required, two or four pairs of lateral compartments to be connected to said two pairs of central compartments (col. 3, line 8 et seq. wherein Deillon discloses 1x2 stacks of sieves can be made upwards).

In regard to claim 5, see Fig. 1.

In regard to claim 6, see Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2,901,109 to Eppenberger in view of Deillon et al.

Eppenberger discloses a plan sifter (see title) for separating products resulting from milling cereals, comprising a plurality of vertically arranged compartments (5), a plurality of sieves stacked inside each said compartment (col. 1, line 65; see also Fig. 5), a member (1) having rotating masses (4) in order to keep said plurality of compartments and thus said plurality of sieves vibrating, and flexible suspension members (2) to allow vibration, wherein said plurality of compartments have a binary layout (See Fig. 1 wherein the plurality of the compartments have a layout in which a pair of compartments is arranged symmetrically on either side of the rotating mass) forming compartments symmetrical and aligned with respect to said centrally placed rotating mass member;

Eppenberger discloses a binary layout with three symmetrical pairs of compartments, instead of a binary layout being chosen between four symmetrical pairs of compartments and six symmetrical pairs of compartments as required by claim 1.

However, it is known in the art to add additional compartments to plan sifters (see Deillon, col. 3, line 7 et seq.). Therefore, it would be obvious to one of ordinary skill in the art that Eppenberger's plan sifter (1) could be modified to add additional compartments. Further,

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there is motivation to add additional compartments since additional compartments would allow for faster sifting of a bigger volume of cereal products.

In regard to claim 2, see Fig. 1.

In regard to claim 3, Eppenberger discloses a frame (see Fig. 2 wherein dashed lines indicate rectangular compartment for rotating mass 4).

In regard to claim 4, Eppenberger discloses partitions (7) to which compartments (5) are secured.

In regard to claim 5, see Figs. 1-3.

In regard to claim 6, see Fig. 2.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 2,592,917 to Lockwood et al. in view of Deillon et al.

Lockwood discloses a plan sifter (see title) for separating products resulting from milling cereals, comprising a plurality of vertically arranged compartments (See Figs. 1, 2), a plurality of sieves stacked inside each said compartment (see Figs. 3, 4), a member having rotating masses (col. 3, lines 45-50) in order to keep said plurality of compartments and thus said plurality of sieves vibrating, and flexible suspension members (h) to allow vibration, wherein said plurality of compartments have a binary layout (See Fig. 1 wherein the plurality of the compartments have a layout in which a pair of compartments is arranged symmetrically on either side of the rotating mass) forming compartments symmetrical and aligned with respect to said centrally placed rotating mass member;

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Lockwood discloses a binary layout with three symmetrical pairs of compartments, instead of a binary layout being chosen between four symmetrical pairs of compartments and six symmetrical pairs of compartments as required by claim 1.

However, it is known in the art to add additional compartments to plan sifters (see Deillon, col. 3, line 7 et seq.). Therefore, it would be obvious to one of ordinary skill in the art that Lockwood's plan sifter could be modified to add additional compartments. Further, there is motivation to add additional compartments since additional compartments would allow for faster sifting of a bigger volume of cereal products.

In regard to claim 2, see Fig. 1.

In regard to claim 3, Lockwood discloses a frame (see Fig. 2 wherein dashed lines indicate rectangular compartment for rotating mass).

In regard to claim 4, Lockwood discloses compartments are secured together (see Fig. 1).

In regard to claim 5, see Fig. 1.

In regard to claim 6, see Fig. 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

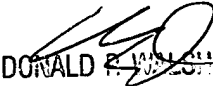
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


DONALD E. WALSH
SUPERVISORY PATENT EXAMINER
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